



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200375061

Date: April 4, 2003

Comments Due: April 18, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to place a sewer line and access road with connection to a new waste water treatment facility within the floodplain of the Colorado River, as shown in the attached drawings.

APPLICANT: Town of Silt
231 North 7th Street
Silt, Colorado 81652
Attention: Mr. Rick Aluisse

APPLICANT'S AGENT: Western Ecological Resource, Incorporated
711 Walnut Street
Boulder, Colorado 80302
Attention: Mr. David Johnson

LOCATION: The project site is located near the Wheeler State Wildlife Area and situated between the Colorado River and U.S. Interstate Highway 70 within Section 9, Township 6, Range 92 West, Garfield County, Colorado.

PURPOSE: To construct and install an above-ground sewer line covered by an earthen berm and access road to the Town of Silt's new waste water treatment facility.

BACKGROUND: A U.S. Army Corps of Engineers (Corps) Nationwide general permit number 39 was requested by NatureTech Consultant Services, on behalf of the Town of Silt and was subsequently authorized on June 18, 2001. However, the Corps has determined, with new information provided by Western Ecological Resource, Incorporated, that the sewer line and access road originally verified through Nationwide permit number 39, no longer qualifies under a Nationwide permit.

PROJECT DESCRIPTION: The project sewerline is located within the 100-year floodplain of the Colorado River as depicted on Figure 2, near Interstate Highway 70. Portions of previously delineated wetlands have been determined as non-jurisdictional waters of the United States (U.S.) which has reduced the overall impact to waters based upon new information supplied by

applicant's agent and recent site visits. This permit action only addresses the above-ground sewer line and access road with a respective 13,673 cubic yards of fill and an impact to waters at 0.339 acre. The waste water treatment plant is not located within jurisdictional waters of the US.

ALTERNATIVES: The no action alternative must be considered in any permit process. The no action alternative assumes that a Department of the Army permit would not be issued and the applicant would not construct the sewer line and access road where impacts to waters of the U.S. would occur. Under the no action alternative, we would assume that either the existing waste water treatment facility would continue to operate, an unlikely scenario, given that the Environmental Protection Agency has directed the construction of the new facility.

The applicant provided information on other alternatives which describe efforts to reduce impacts of the sewer line. These alternatives included line placement nearer to the Colorado River, a separate lift station to address the lack of gradient flow and leaving the above ground sewer line exposed without a protective berm.

AREA DESCRIPTION: The project site is located approximately 1 mile southeast of the Town of Silt. It is located near agricultural fields and a state wildlife area.

ADDITIONAL INFORMATION: The applicant has proposed to create an additional 0.339 acres of wetlands at a previously identified location in conjunction with the 2001 U.S. Department of the Army Nationwide general permit number 39.

The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Andrew Ross, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **April 18, 2003**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Ross at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3540.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. This activity would not affect any threatened or endangered species or their critical habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **April 18, 2003**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Mark Gilfillan, Colorado/Gunnison Basin Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Gilfillan at telephone number (970) 243-1199, extension 15, or email Mark.A.Gilfillan@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawing(s)